

REMARKS/ARGUMENTS

The Substitute Specification has been revised to conform it to the preferred format for U.S. patent applications, and a Second Substitute Specification and Second Comparison Copy are submitted herewith.

Claims 22-38 will be pending in this application upon entry of the amendment, and claims 1-22 will be canceled. The amendment is not a concession on the merits of any rejection. The rejections no longer apply, as the claims have been cancelled, however, applicant has commented on some of the rejections and the cited prior art. The applicant believes that the claim rejections also do not apply to the new claims.

Claim Rejections

Claims 1, 5, 8, 12-16, 18, and 20 were rejected under 35 USC §102(b) as allegedly being anticipated by U.S. Patent 5,219,472, Elonen et al. Applicant respectfully disagrees. The rejected claims have been cancelled, therefore the rejection no longer applies. Applicant also believes the rejection does not apply to the new claims.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631; 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Thus, for anticipation the “identical invention must be shown in as complete detail as is contained in the ... claim”. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236; 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP §2131.

The Federal Circuit recently held, “We thus hold that unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.” *Net Moneyin, Inc. v. Verisign, Inc.*, No. 2007-1565 (Fed. Cir. 10/20/2008) (Fed. Cir., 2008)

Accordingly, the rejection was improper because the reference does not include an embodiment which is arranged in the same way as recited in the claim. The Office Action cited a degassing of a MC pump, Col. 1, lines 59-61, from the Background section of the reference. The Office Action further cites dilution by a water pump and screening by a screen plant, referring to Figure 2. Thus, the rejection is arranged from various elements throughout the reference, and not in the same way as the claim(s). Thus, the rejection did not follow the rule cited above, and was improper.

The embodiment of figure 2 also does not teach using a medium consistency pump. Elonen cites an AHLSTAR/Airsep pump for use with figure 2, see Col. 5, lines 6-9. The AHLSTAR/Airsep pump is a low consistency pump, with a maximum consistency range of 6-8%. See page 7 of the AHLSTAR Brochure for specifications of the AHLSTAR/Airsep pump which was submitted in an Information Disclosure statement on December 5th, 2008. Thus, the pulp entering the pump in Figure 2 has been diluted from a typical bleaching consistency of about 12% to a consistency below 8%. Additionally, Elonen does not state where dilution liquid is introduced to the screen plant. The term "screen plant", Col. 4, line 51, is known in the art to not be identical to a screen apparatus, as a screen plant includes several screening stages and conduits.

Claims 1, 2, 4, 10, 12-17, and 19 were rejected under 35 USC §102(b) as allegedly being anticipated by Chemical Pulping by Gullichsen. Applicant respectfully disagrees. The rejected claims have been cancelled, therefore the rejection no longer applies. Applicant also believes the rejection does not apply to the new claims. Gullichsen teaches dilution only with regards to the discharge scraper, thus, it is apparent that dilution takes place initially and the pulp is not pumped or degassed prior to dilution. Cited figure 14 does not show a dilution or degassing point. The Office Action argues that the addition of chemicals lowers the consistency of the pulp, however this is not consistent with Gullichsen. Gullichsen teaches that chemicals may be gaseous, and thus would not dilute the pulp. Accordingly, the rejection was improper.

Claims 1, 2, and 4-21 were rejected under 35 USC §102(b) based on public use or sale of the invention. Applicant respectfully disagrees. The rejected claims have been cancelled, therefore the rejection no longer applies. Applicant also believes the rejection does not apply to the new claims. Further no, substantive evidence has been provided which shows the first use or sale one year prior to the date of the priority date, which is before September, 2003. Additionally, no evidence has been substantiated which shows the state of BOWATER one year before the applicant's priority date. Accordingly, for this and other reasons, BOWATER is not prior art.

Applicant again points out that BOWATER like Gullichsen teaches chemical injection, which is not the same as dilution. Applicant also notes that new claims 22 and 23 require the method to take place after a oxygen delignification and prior to screening, which is clearly not taught by BOWATER. BOWATER clearly shows, page 8, a MC pump and bottom scrapper (1) prior to an oxygen delignification process, which itself is prior to a screening process.

CONCLUSION

In view of the foregoing, applicant submits that this application is in condition for allowance, and a formal notification to that effect at an early date is requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 273-4380 (direct dial).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Christopher L. Willink', with a stylized, sweeping flourish at the end.

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